

Schoharie, NY  
Contact: Mike Cole/Carl Stephanie  
(518) 295-8365  
Health Ordinance  
Draft

Pursuant to the authority vested in the Commissioner of Health by Section of the Public Health Law, a new section is added to Part 143 of Title (Health) of the Official Compilation of Codes, Rules and Regulations of State of New York, to be effective upon filing with the Secretary of State read as follows:

Section 143.5 Village of Schoharie, Schoharie County.

(a) Application. The rules and regulations set forth in this section duly made and adopted in accordance with the provisions of Section 11001107 of the Public Health Law, shall apply to the springs aquifer which comprise the ground water source of public water supply, the Village of Schoharie and known as the Young, Dugan and Ti springs, and to any other sources which may be developed in the future to serve as ground water sources of the water supply of the village Schoharie.

(b) Definitions.

(1) Accidental spill~ shall mean any intentional or unintentional act or omission resulting in an unpermitted releasing, spilling, leak pumping, pouring, emitting, emptying or dumping of petroleum, petro products, septage, or toxic chemicals or substances on the watershed into the waters within any of the surveillance zones or onto lands which it might flow or drain into said waters, or into waters out

1  
the surveillance zones when damage may result to the waters within surveillance zones.

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(2) Aquifer shall mean the saturated and unsaturated subsurface geologic formations which are now or may subsequently be developed use as public water supply sources for the Village of Schoharie.

(3) Aquifer recharge area shall mean the land area where precipitate snow, and rain, percolates

directly through the ground to an aquifer shall be delineated by the Commissioner of Health. The delineate shall consist of known sinkholes, rock outcrops, caves, fissure crevices and similar exposures in geologic formations and subsequently identified by water supply officials tributary to aquifer. The aquifer recharge area shall also be known as surveilla Zone II-G.

(4) Best management practices shall mean those methods and practices which are developed and adopted or promulgated by regulatory agency including the New York State Department of Environmental Conservation New York State Department of Health and Schoharie County Department Health.

(5) Chloride salt shall mean the solid compounds or the solutions

2

potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for winter road maintenance and water softener regeneration).

(6) Composting toilet or dry toilet shall mean any receptacle for human excreta and/or kitchen waste which is a self-contained unit require periodic removal of composted, accumulated or stored material.

(7) Fertilizers (artificial) shall mean any commercially product mixture generally containing phosphorus, nitrogen, and potassium wh is applied to the ground to increase nutrients to plants.

(8) Ground water shall mean any water beneath the land surface that under atmospheric or artesian pressure and that enters wells and springs serving as sources of water supply for the Village of Schoharie.

(9) Herbicide shall mean any substance used to destroy or inhibit plant growth.

(10) Human excreta shall mean human feces and urine.

(11) Junkyard shall mean an area where two or more unregistered, old secondhand motor vehicles are being accumulated for purposes

3

disposal, resale of used parts or reclaiming certain materials such metal, glass; fabric, and/or the like.

(12) Land application of wastewater shall mean the distribution municipal, industrial, agricultural or residential wastewater by sp irrigation, injection or direct flow, over the land surface with without an underdrain system and point discharge(s).

(13) Linear distance shall mean the shortest horizontal distance f the nearest point of the structure or object to the (I) extension of centerline of the wells, (ii) nearest edge of any spring, (iii) margin and steep bank forming the ordinary high water line of a we course, and (iv) nearest edge of a sinkhole, crevice, fissure, cc exposed bedrock or similar exposure tributary to the aquifer.

(14) Manure shall mean animal feces and urine.

(15)~Pesticide shall mean any substance used to destroy or inhibit ~pe~such as rodents and insects.

(16) Point source discharge shall mean discharge of pollutants result from facilities, systems and activities which operate under a permit issued by the appropriate state or local agency.

(17) Pollutant shall mean dredge, spoil, solid waste, incineration

residue, sewage, garbage, sewage sludge, chemical waste, biologic materials, radioactive materials, heat, wrecked or discarded equipment rock, sand, cellar dirt, industrial and municipal waste, manure, animal waste and agricultural waste.

(18) Radiation shall mean ionizing radiation, that is, any al

particle, beta particle, gamma ray, x-ray, neutron, high speed electric high speed proton and any other atomic particle producing ionization but shall not mean any sound or radio wave, or visible,

infrared, ultraviolet light.

(19) Radioactive material shall mean any material in any form that ~m

radiation spontaneously.

(20) Refuse shall mean all putrescible and nonputrescible solid was

including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

(21) Refuse disposal area shall mean land used for the depositing

refuse from a single family, a member of which is the owner, occupant

5

lessee of said land, or any part of a farm on which only agricultural associated animal wastes resulting from the operation of such farm deposited.

(22) Reservoir shall mean any natural or artificial lake or pond wh is tributary to or serves as a source of the public water supply of Village of Schoharie.

(23) Septage shall mean that- residue removed from onsite sewage wastewater disposal systems.

(24) Sewage or wastewater shall mean any liquid or solid waste mat from a domestic, commercial, private, or industrial establishment wh

is normally carried off in sewers or waste pipes.

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(25) Sewage disposal system shall mean any system used for disposing sewage and includes treatment works.

(26) Sewage system cleaner or additive shall mean any solid or liq material intended or used primarily for the purpose of cleaning treating, or unclogging any part of a sewage system or

any~solid liquid material intended or used primarily for the purpose continuously or automatically deodorizing or disinfecting any part 0>

6

sewage system including but not limited to solid cakes or devices pla( in plumbing fixtures.

(27) Sludge shall mean the solid residue resulting from municipal industrial process or wastewater or water treatment which also produces a liquid stream of effluent.

(28) Spring resurgence protection area shall mean the area within circle which has a radius of 250 feet from the spring or spring base and shall also be known as Zone I-G.

(29) Surveillance zone shall mean a ground water management Zone delineated by the Commissioner of Health on a map on file in the off; of the Clerk of the Village of Schoharie. They shall be designated Z( IG, Zone II-G, and~Zone III~G.

(30) Toxic chemical or substance shall mean any organic or inorganic substance including but not limited to petroleum derivatives, metallic elements including the transition series, and any hazard( wastes which pose a substantial present or potential threat of product injury or disease upon exposure, ingestion, inhalation, or assimilated by a living organism

7

(31) Treatment works shall mean any treatment plant, sewer, disposal field, lagoon,

pumping station, septic system, constructed drain ditch or surface water intercepting ditch, incinerator, area devoted sanitary landfills or other works not specifically mentioned in t paragraph, installed for the purpose of treating, neutralizing stabilizing or disposing of sewage.

(32) Watercourse shall mean every spring, stream, marsh, or channel water of any kind which flow or may flow into the ground water suppl~ the Village of Schoharie.

(33) Watershed shall mean the entire drainage area contributing water the ground water supply of the Village of Schoharie.

(34) Watershed tributary to aquifer recharge area shall mean that 1 area delineated by the Commissioner of Health which is the tributary surface from which the aquifer is replenished by run-off to the aquifer recharge area. The watershed tributary to the aquifer recharge a shall also be known as Zone III~G.

(35) Water supply shall mean the public water supply of the Village Schoharie.

8

-(36) Well shall mean any present and future excavation used as a sou of public water supply which derives water from the interstices of rocks or soils which it penetrates including bored wells, drilled wells and driven wells and excluding ditches or tunnels that lead ground water to the surface by gravity.

(37) Zone IG shall be the spring resurgence protection area.

(38) Zone II-G shall be the aquifer recharge area.

(39) Zone III-G shall be the watershed tributary to the aquifer recharge area.

(c) General Prohibitions. No person, including state agencies political subdivisions having Jurisdiction, shall perform any act grant any permit or approval which may result in the contravention the standards for raw water quality as contained in Part 170 Title (Health) of the Official Compilation of Codes, Rules and Regulations the State of New York (IONYCRR Part 170).

(d) Specific Prohibitions

(1) Zone III-G.

(I) On-Site Subsurface Sewage Disposal.

(a) All on-site subsurface sewage disposal systems serving sin~ family residences or facilities with flows of less than 1,000 gal. per day shall be designed, installed and maintained in accordance the~Schoharie County Sanitary Code and the standards promulgated in Schoharie County Sanitary Code. Any town or village ordinances s~ also apply if they contain more stringent standards.

(b) The applicable standards-and permit requirements of the. New State Department of Environmental Conservation shall apply to systems with flows equal to or in excess of 1,000 gallons per day or those w. contain industrial wastewater.

A permit is required prior to the installation of any subsurface sewage disposal systems. This permit must be obtained from appropriate state or local agency having Jurisdiction. Conditions f permit shall include a soil percolation test, approved des inspection of the installation prior to backfilling, and the issuance a Certificate of Approval.

(d) No portion of the subsurface sewage disposal system shall constructed, placed or rebuilt within 250 feet linear distance of aquifer recharge area also known as Zone II-G or any watercourse.

(e) No subsurface sewage disposal system shall be constructed installed unless there is at least five feet of acceptable overbur between the bottom of the seepage unit and creviced or fissured rock high groundwater. Acceptable fill material may be placed in accordance with Schoharie County Department of Health standards to achieve the separation.

(f) Where rapid percolation I& indicated, such as rock fissures, use of subsurface disposal systems may be prohibited.

(g) The use of sewage system cleaners or additives are prohibited.

(ii) Point Source Discharge. Point source discharges to the tribute streams are prohibited unless tertiary treatment or equivalent provided for domestic wastewater and equivalent treatment for industry wastewaters. A permit is required prior to the installation of a PO source discharge from the state or local agency having Jurisdiction.

(iii) Storm Sewer Outlets. Storm sewer outlets shall not discharge within 100 feet of Zone II-G.

(iv) Snow Disposal.

The dumping of snow removed from streets, roads

11

and parking areas directly into streams or within 250 feet of Zone I is prohibited.

(v) Refuse Disposal Areas and Junkyards.

(a) No refuse shall be deposited on or beneath the surface of ground within a 250 foot linear distance of any watercourse or Zone

G.

(b) Refuse or solid waste disposal facilities shall be prohibited.

No junkyards shall be located within a 250 feet linear distance any watercourse or Zone II-G. New junkyards are prohibited.

(vi) Animal Wastes.

(a) No concentration of animal wastes from an agricultural operation including but not limited to manure piles, feedlots, barnyards, yarding areas, shall be located within a 250 feet linear distance of any watercourse or Zone 11-0.

(b) Drainage from barnyards, feedlots, yarding areas or manure pile shall not be discharged directly to watercourses or to Zone 11-0. All drainage shall be dispersed over the surface of the ground at a minimum distance of 250 linear feet from any watercourse or from Zone 11-0.

12

Provision shall be made for satisfactory disposal of milk house waste either by surface or subsurface irrigation that prevents discharge to any watercourse or Zone II-G. Such facilities shall be located at least 100 feet linear distance from any watercourse or Zone II-G. No subsurface irrigation is allowed unless there is at least 5 feet of overburden above bedrock.

(d) Manure shall not be spread on frozen ground if there is likelihood that surface runoff will be carried into streams or aquifer recharge area.

(vii) Septage and Sludge Disposal. The disposal of septage, sludge human excreta into any watercourse, on the surface of the ground or underground burial is prohibited.

(viii) Industrial Sludges and Toxic Chemicals.

(a) No industrial sludges and toxic chemicals shall be stored except under permit by the New York State Department of Environmental Conservation.

(b) Disposal of industrial sludges and toxic chemicals is responsibility of the owner or operator of the storage facility.

13

Industrial sludges and toxic chemicals shall not be buried in soil, spread upon the surface of the ground, allowed to enter ground waters, or discharged to watercourses.

(d) Transportation of toxic chemicals is prohibited except under permit of New York State Department of Transportation and in conformity with the requirements of Article 2, Section 14-f of the Transportation and all regulations adopted pursuant to that statute.

(ix) Radioactive Material. Disposal of radioactive material prohibited.

(x) Fertilizer Use.

(a) Open storage of artificial fertilizers for commercial use prohibited.

(b) Agricultural use of fertilizers shall be in conformance with management practices as developed by the New York State Soil and Water Conservation Committee and implemented by the preparation and use of farm plans as required by the Soil and Water Conservation District Article 2,

Section 9, subdivision 7a.

Fertilizer use for non-farm and non-residential application shall be in accordance with best management practices as developed under it d(1)(x)(b).

(d) The injection of liquid fertilizer into the ground shall be accordance with best management practices as developed under it d(1)(x)(b).

(xi) Pesticide and Herbicide Use.

(a) All pesticide and herbicide storage, use and application shall under permit as provided in New York State Environmental Conservation Law, Article 33.

(b) Disposal of containers or unused pesticides and herbicide~ prohibited except in accordance with the permit issued as indicated under item d~~)(xi)(a).

Use of streams or watercourses for make-up water or washing equipment is prohibited.

(xii) Accidental Spills.

(a) Oil spills shall be reported and cleaned up immediately pursuant the Navigation Law, Article 12, Sections 170 through 197.

15

(b) Spills of any other material stored in bulk shall be reported required by New York State Environmental Conservation Law, Article Section 1743. Clean-up of spills is the responsibility

of the carrier

The New York State Commissioner of Health, Schoharie County  
Department of Health, and the Board of Trustees of the Village

Schoharie shall be advised of any accidental spills immediately.

(d) Storage of petroleum products or any other contaminating mater is prohibited unless measures have been taken to insure that lea~ will not occur.

(xiii) Stockpiles. Storage of chloride salts and sand/salt mixtures prohibited ~' thin a. 500 foot linear distance of a watercourse or ~ II-G except in weather-proof buildings or water-tight vessels.

(xiv) Deicing Salt Application. Deicing salt use is restricted to minimum amount needed for public safety in accordance with .b management practices as developed by the New York State Department of Transportation.

(xv) Cemeteries. No interment of a human body shall be made within

16  
250 linear distance of a watercourse or Zone II-G

(xvi) Sediment Generation.

(a) Farm tillage practices shall be in conformance with best management practices as

developed by the New York State Soil and Water Conservation Committee and implemented by the preparation and use of farm plans required by Soil and Water Conservation District Law, Article 2, Sect 9, subdivision 7a.

(b) All farms shall have an operational farm plan pursuant to I d(l)(xvi)a in place by January 1, 1988.

Soil erosion and sediment production by stream and road b erosion shall be evaluated by the Schoharie County Soil and Water Conservation District and appropriate remedial action taken wh needed.

(d) All land disturbing activity including general construction highway construction, access road construction and maintenance prohibited except where remedial measures have been put in place minimize erosion and sediment production, and to prevent the exposure bedrock.

17

(2) Zone II-G. Except to the extent that more stringent standards regulations are set forth in this Subdivision all regulations applicable to Zone III-G shall also apply to Zone II-G.

(I) Subsurface Disposal Systems. The construction and installation subsurface sewage disposal systems is prohibited.

(ii) Snow Disposal. The stockpiling or dumping of snow removed f streets, roads and parking areas on the ground surface within the zones is prohibited

(iii) Refuse Disposal Areas and Junkyards. The establishment of refuse disposal areas or junkyards is prohibited.

(iv) Animal Wastes. The disposal of farm animal waste is prohibited.

(v) Fertilizer Use. The use of artificial fertilizer is prohibited.

(vi) Pesticide and Herbicide Use. The use of pesticides or herbicides are prohibited.

(vii) Underground Storage Tanks and Pipelines.

(a) The construction, placement or replacement of underground tanks

18

containers or pipelines for petroleum products or any other pollutant prohibited.

(b) All persons owning property containing such underground storage tanks or containers shall notify the Village of Schoharie Water Supply officials of their existence and location.

(viii) Stockpiles. Storage of chloride salts is prohibited.

(ix) Cemeteries. The establishment of new cemeteries is prohibited.

(x) Land Application of Sewage. Land application of sewage wastewater is prohibited.

(xi) Underground Injection. Underground injection of sewage wastewater is prohibited.

(xii) Stormwater Run-Off Recharge Basins. Use of recharge basins prohibited.

(xiii) Land Application of Septage and Sludge. Land application of septage and sludge is prohibited.

19

(xiv) Wastewater Lagoons and Pits. Use of wastewater lagoons and pits for temporary storage of sewage is prohibited.

(xv) Excavations. Excavations or cut-ins which expose groundwater permanently or during maximum elevation of the water table, or which significantly reduce the thickness of the soil cover and thereby increase the entrance of contaminants into the groundwater is prohibited.

(xvi) Mining. The establishment of sand and gravel or limestone processing operations is prohibited.

(xvii) Public Utility Transmission. The construction of new overhead transmission lines, liquefied natural gas lines or other pipeline materials which may impair water quality is prohibited.

(xviii) Oil and Gas Wells. The construction of oil and gas wells prohibited.

(xix) Improperly Constructed or Abandoned Wells. All water supply wells and abandoned wells shall meet the requirements of IONY( Appendix 5-A entitled "Recommended Standards for Water Works, IONY Appendix 5-B entitled "Rural Water Supply and the state or local agency having jurisdiction.

20

(xxx) Industrial Sludges and Toxic Chemicals. The establishment industrial sludge and toxic chemical storage, and disposal facilities prohibited.

(3) Zone I-G. All Systems, facilities, and activities are prohibited except for collection, treatment, control and transmission of water The area shall not be used for any other purpose than water supply.

(e) Variances.

(1) The New York State Commissioner of Health or his designee may, upon written application and after review, grant a variance from a specific provision of these Watershed Rules and Regulations in a specific catchment (subject to appropriate conditions which shall include a time schedule for compliance where: (i) such variance is in harmony with the general purpose and intent of these Watershed Rules and Regulations; (ii) determines that adequate provisions have been made for the maintenance of the integrity of the water supply system; and (iii) there are practical difficulties or unnecessary hardship in carrying out strict letter of the provision.

(2) The State Commissioner of Health may authorize the Board

21

Trustees of the Village of Schoharie, in writing, to issue variances

his behalf, subject to such limitations as he deems appropriate.

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(I) A copy of any variance and time schedule approved by the Village Schoharie so authorized, shall be submitted to the State~Commissioner Health at the time of issuance.

(ii) An aggrieved applicant for a variance may, within 60 days of final determination by the water supply agency denying the variance application, request a review of such denial by the State Commissioner of Health or his designee.

(f) Inspection. The Board of Trustees of the Village of Schoharie any person or persons charged with the maintenance or supervision of t public water supply system shall by its officers, or their du appointed representative, make regular and thorough inspections of Zones I-C, 11-0, and 111-0 to ascertain whether the rules and regulations ~ forth in this section are being complied with. It shall be the duty the aforesaid Board of Trustees to cause copies of any rules a regulations violated to be served upon the persons violating the same together with notices of such violations. If such persons served do not immediately comply with the rules and regulations, it shall be the

further duty of the aforesaid Board of Trustees to promptly notify them.